

From: John Diley
To: Microsoft ATR
Date: 1/25/02 10:05am
Subject: Dear Sir or Madam:

Dear Sir or Madam:

The following summarizes my views about this case:

"The settlement being prepared by Charles James (1) would not prevent the central ways Microsoft was found to have illegally maintained its Windows monopoly, (2) does nothing to restore competition in the OS market, an express Court of Appeals requirement for a Microsoft remedy, and (3) has no provisions directed to Windows XP and other new endeavors of Microsoft to extend and protect its monopoly to new markets in the future, another express Court of Appeals requirement for a Microsoft remedy. The proposal is so far outside the mainstream of antitrust law, and so completely contradicts the D.C. Circuits unanimous opinion affirming Microsofts guilt, that the only explanation must be political pressure. Whether or not the public learns of the backroom activities will be the responsibility of Judge Kollar-Kotelly under the Tunney Act public hearings that are required before approval of antitrust settlements."

The only thing I can add is that if 'settlement' is allowed to proceed, the Department of Justice should change its name to the Department of Injustice or perhaps the Department of Graft and Bribery.

Sincerely,

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